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MEMORANDUM FOR: See Distribution

FROM:

[redacted]
Chief, Information and Privacy Division

SUBJECT: Records Systems Excluded under Proposed
Legislation S-1273

1. The Agency is considering a new piece of legislation introduced by Senator Chafee to the 97th Congress, identified as S-1273. A copy of the bill is attached.

2. In reading the legislation, you will note that it would give the DCI authority to exempt from search or review those files which have been specifically designated as falling within one of four categories. Those categories are specified in lines 15 through 23 on page two and lines one through three of page three of S-1273. It is clearly to the Agency's advantage to be able to specifically identify those files which can be excluded since they would not be subject to any search under the FOIA.

3. It is requested, therefore, that you review your record systems to determine which, if any, can be specifically identified as falling within one of the four categories and provide in writing the names or identifiers of such systems which you determine to be excluded. Since the Bill is still in draft, any listing you might develop should be considered tentative. If S-1273 becomes law, a more definitive answer would then be required. Your list should be appropriately classified, if necessary, and should be forwarded to IPD by 1 March 1982.

4. Any questions you have can be directed to me or

[redacted]
Attachment:
S-1273

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97TH CONGRESS
1ST SESSION

S. 1273

To amend the Central Intelligence Agency Act of 1949, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21 (legislative day, APRIL 27), 1981

Mr. CHAFEE (for himself and Mr. GOLDWATER) introduced the following bill;
which was read twice and referred to the Select Committee on Intelligence

A BILL

To amend the Central Intelligence Agency Act of 1949, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intelligence Reform Act
4 of 1981".

5 SEC. 2. Section 6 of the Central Intelligence Agency
6 Act of 1949 (50 U.S.C. 403g) is amended to read as follows:

7 "SEC. 6. In the interests of the security of the foreign
8 intelligence activities of the United States and in order fur-
9 ther to implement the proviso of section 102(d)(3) of the Na-
10 tional Security Act of 1947 (50 U.S.C. 403(d)(3)) that the

1 Director of Central Intelligence shall be responsible for pro-
2 tecting intelligence sources and methods from unauthorized
3 disclosure, the Agency shall be exempted from the provisions
4 of any law which require the publication or disclosure of the
5 organization, functions, names, official titles, salaries, or
6 number of personnel employed by the Agency. In furtherance
7 of the responsibility of the Director of Central Intelligence to
8 protect intelligence sources and methods, information in files
9 maintained by an intelligence agency or component of the
10 United States Government shall also be exempted from the
11 provisions of any law which require the publication or disclo-
12 sure, or the search or review in connection therewith, if such
13 files have been specifically designated by the Director of
14 Central Intelligence to be concerned with—

15 “(1) the design, function, deployment, exploita-
16 tion, or utilization of scientific or technical systems for
17 the collection of foreign intelligence, counterintelli-
18 gence, or counterterrorism information;

19 “(2) special activities and foreign intelligence,
20 counterintelligence, or counterterrorism operations;

21 “(3) investigations conducted to determine the
22 suitability of potential foreign intelligence, counterintel-
23 ligence, or counterterrorism sources; and

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1 “(4) intelligence and security liaison arrangements
2 or information exchanges with foreign governments or
3 their intelligence or security services.

4 Notwithstanding the preceding sentence, requests by United
5 States citizens and by aliens who are lawfully admitted for
6 permanent residence in the United States for information
7 concerning themselves made pursuant to any provision of law
8 shall be processed in accordance with such provision. The
9 provisions of this section shall not be superseded except by a
10 provision of law which is enacted after the date of enactment
11 of the Intelligence Reform Act of 1981 and which specifically
12 repeals or modifies the provisions of this section.”.

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